

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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EVERETT BLOOM, et al.,  
 Plaintiffs,

v.

ZUFFA, LLC, *et al.*,  
 Defendants.

Case No. 2:22-cv-00412-CDS-BNW

**ORDER**

Before the Court is Plaintiffs' Amended Motion to Seal (ECF No. 86) seeking to redact certain portions of its Opposition to Defendant Zuffa's Motion to Compel as well as Anthony Patek's declaration filed in conjunction with that opposition.<sup>1</sup> ECF No. 86.<sup>2</sup> No opposition has been filed. This Court applies the case law below to each of the motions addressed in this order.

**I. Standard for Sealing Docket Entries**

Generally, the public has a right to inspect and copy judicial records. *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). Such records are presumptively publicly accessible. *Id.* Consequently, a party seeking to seal a judicial record bears the burden of overcoming this strong presumption. *Id.* In the case of dispositive motions, the party seeking to seal the record must articulate compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure, such as the public interest in understanding the judicial process. *Id.* at 1178-79 (alteration and internal quotation marks and citations omitted). The Ninth Circuit has further held that the full presumption of public access applies to technically non-dispositive motions and attached documents as well if the motion is "more than tangentially related to the merits of the case." *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101 (9th Cir. 2016).

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<sup>1</sup> The sealed version of the opposition is filed at ECF No. 82.

<sup>2</sup> Plaintiffs' original Motion to Seal is filed at ECF No. 85.

1 Among the compelling reasons which may justify sealing a record are when such court  
2 files might have become a vehicle for improper purposes, such as the use of records to gratify  
3 private spite, promote public scandal, circulate libelous statements, or release trade secrets.  
4 *Kamakana*, 447 F.3d at 1179 (quotation omitted). However, avoiding a litigant’s embarrassment,  
5 incrimination, or exposure to further litigation will not, without more, compel the court to seal its  
6 records. *Id.*

7 “[A] different standard applies to ‘private materials unearthed during discovery,’ as such  
8 documents are not part of the judicial record.” *Pintos*, 605 F.3d at 678 (citing *Kamakana*, 447  
9 F.3d at 1180). Under Rule 26(c), a court may enter a protective order “to protect a party or person  
10 from annoyance, embarrassment, oppression, or undue burden or expense.” “The relevant  
11 standard for purposes of Rule 26(c) is whether good cause exists to protect the information from  
12 being disclosed to the public by balancing the needs for discovery against the need for  
13 confidentiality.” *Pintos*, 605 F.3d at 678 (quotation omitted). Given the “weaker public interest in  
14 nondispositive materials,” the court applies the good cause standard in evaluating whether to seal  
15 documents attached to a nondispositive motion. *Id.* “Nondispositive motions ‘are often unrelated,  
16 or only tangentially related, to the underlying cause of action,’ and, as a result, the public’s  
17 interest in accessing dispositive materials does ‘not apply with equal force’ to non-dispositive  
18 materials.” *Id.* (citing *Kamakana*, 447 F.3d at 1179). It is within the court’s discretion whether to  
19 seal documents. *Id.* at 679.

## 20 **II. Analysis**

### 21 **A. No good cause has been shown to redact Plaintiffs’ opposition**

22 Plaintiffs explain the information sought to be redacted is based on information provided  
23 by third party Meta. Meta has designated the information in question as highly confidential.  
24 Based on this, Meta requested that Plaintiffs file their Opposition to Defendant Zuffa’s Motion to  
25 Compel under seal. Plaintiffs do not agree with the need to file the opposition under seal and  
26 explain they assume Meta will be filing its own motion to provide good cause for the need to seal  
27 the opposition in question.  
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1 Because the opposition and the document in question relate to a matter that is not  
2 dispositive or more than tangentially related to the merits of the case, the Court applies the good  
3 cause standard. *Ctr. for Auto Safety*, 809 F.3d at 1099.

4 The court notes that stipulated protective orders alone do not justify sealing court records.  
5 See, e.g., *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1133 (9th Cir. 2003) (noting  
6 that reliance on a blanket protective order, without more, will not make a showing of good cause);  
7 *Beckman Indus., Inc. v. Int'l Ins. Co.*, 966 F.2d 470, 475–76 (9th Cir. 1992) (explaining that  
8 blanket stipulated protective orders are over inclusive by nature and do not include a finding of  
9 “good cause”). Blanket protective orders are designed to facilitate discovery exchanges; they do  
10 not provide a finding that any specific documents are secret or confidential to overcome the  
11 presumption of public access. *Kamakana*, 447 F.3d at 1183 (addressing the “the hazard of  
12 stipulated protective orders,” and noting they often “purport to put the entire litigation under lock  
13 and key without regard to the actual requirements of Rule 26(c)”).

14 As a result, Plaintiffs’ motion at ECF No. 86 is denied. Plaintiffs’ original motion at ECF  
15 No. 85 is denied as moot.

16 Lastly, the Court notes that the motion to seal at ECF No. 85 and the amended motion to  
17 seal at ECF No. 86 are themselves sealed. There has been no motion accompanying the request  
18 for the motion to seal to be sealed. In addition, these two motions do not provide any type of  
19 detail or information that would suggest the need to have them sealed under any standard.

## 20 I. CONCLUSION

21 **IT IS THEREFORE ORDERED** that Plaintiffs’ Amended Motion to Seal at ECF No.  
22 86 is **DENIED**.

23 **IT IS FURTHER ORDERED** that Plaintiffs’ Motion to Seal at ECF No. 85 is **DENIED**  
24 **as moot**.


25 **IT IS FURTHER ORDERED** that Meta shall have 30 days from today to file a motion  
26 providing good cause for the need to seal or redact Plaintiffs’ Opposition to Defendant Zuffa’s  
27 Motion to Compel. The Clerk of Court is directed to maintain ECF No. 82 under seal for the next  
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1 30 days. Failure by Meta to file the appropriate motion within 30 days of this Order may result in  
2 the unsealing of Plaintiff's Opposition to Defendant Zuffa's Motion to Compel.

3 **IT IS FURTHER ORDERED** that Plaintiffs shall have 30 days from today to file a  
4 motion providing good cause for the need to seal the motions to seal at ECF Nos. 85 and 86. The  
5 Clerk of Court is directed to maintain ECF Nos. 85 and 86 under seal for the next 30 days. Failure  
6 by Plaintiffs to file the appropriate motion within 30 days of this Order may result in the  
7 unsealing of these motions.

8 **IT IS FURTHER ORDERED** that Plaintiffs shall serve this Order on Meta within 5 days  
9 of this Order.

10 DATED: September 20, 2023.

11   
12 BREND A WEKSLER  
13 UNITED STATES MAGISTRATE JUDGE  
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